Dear PALS Supporter,

Our PALS Board of Directors felt strongly last Spring, that after 42 years of prime farmland preservation efforts, which in good part led to the establishment of the much lauded Ontario Greenbelt, we were within a hairsbreadth of achieving our goal of “permanent” protection of Niagara’s unique and extremely limited tender fruit lands. This could have been enabled through Ontario’s now defunct, Cap and Trade Carbon Reduction ‘Voluntary Carbon Offsets Program’, with farmers paid to place permanent easements/restrictive covenants on their land. And, just like home retrofits and other Provincial carbon reduction programs, the financing would come from carbon emitters.

The Board is of course very disappointed by the program’s cancellation, but we are already preparing our case for an easement-program investment in Niagara’s tender fruit farmers, similar to the millions of dollars planned for the NDP’s 1995 Tender Fruit Lands program, and the subsequent Conservative government’s easement-protection of the Oak Ridges Moraine farm lands and natural areas. Locally, with the recent very popular election of Jim Bradley, the former Provincial Cabinet Minister responsible for the initiation of the Greenbelt, to represent St. Catharines on the Regional Council, PALS is confident there will be even more support for permanent fruit land preservation region-wide.

It will not be easy, as suddenly development clouds loom over all of Ontario’s prime farmlands. This was observed by PALS researcher John Bacher at a large and boisterous Queens Park consultation on November 6th, where most attendees, mainly development planners and lawyers, urged a pull-back from the Places To Grow constraints, and even a disbanding of the Niagara Escarpment Commission. (see quotables)

Such dramatic reversals of political direction show clearly why we must continue to educate the public, young people in particular, about Niagara’s history, geography, farming, and especially, the threats to, and methods of protecting, these irreplaceable fruit lands. In this regard we draw your attention to our new video Pick and Choose to Preserve Niagara Fruit Lands, which can be viewed on the net at https://vimeo.com/263398425.

Regards,
Doug Woodard

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PALS Members & Friends are Invited to our Winter Party!!

Festive & tasty refreshments

Saturday Dec. 8th, 2-4 pm.

at

38 Dalhousie Drive,
Port Dalhousie

RSVP Gracia Janes 905-468-2841 or gracia.janes@bellnet.ca
New Threat to Allison Aquifer Arises from Proposed Expansion of Quarry at French’s Hill, Tiny Township

New Group, Friends of Waverly Uplands, Defends Alliston Aquifer:

One of the strongest reasons to oppose urban sprawl is that the rural landscape is an important source of water. In this regard, there is no better example than the Alliston Aquifer, where the world’s purest drinking water is found. The aquifer provides clean water underground to communities all along the Yonge Street corridor, from its source around Elmvale in Simcoe County. It is astonishing how difficult it has been to defend this marvel of nature. A proposed garbage dump, called Dump Site 41, was only stopped after a blockade of several months, that culminated in the arrest of Danny Beaton, (Mohawk, Six Nations).

Dump Site 41 was halted and the land is now again in farm ownership, with easements to protect it held by the Ontario Farmland Trust. Despite this success, a new threat to the world’s cleanest water has emerged from a proposed stone washing plant in connection with a quarry expansion being advocated by Dufferin Aggregates. The quarry is surrounded by an old growth predominately Sugar Maple forest. The ground water is also threatened by a proposed on-site wash pond. Gravel would be removed to a depth of 10 meters on top of the world’s cleanest water, hence eliminating French’s Hill. This is certainly disturbing as recent studies have confirmed the unusual purity of the ground water that flows from French’s Hill. As well, tests by a team of scientists from the University of Guelph and Ottawa this year found the world’s lowest chloride levels in this water.

New Provincial Agency for Good Land Use Planning Gets Underway

An important land use planning reform which is slowly having a major impact is the creation of the Local Planning Appeals Tribunal Support Center. (LPATSC). This has a small but dedicated staff of lawyers and land use planners to help citizens in their efforts to enforce provincial policy at the Local Planning Appeals Tribunal. (LPAT). The LPAT organization is a successor to the Ontario Municipal Board, (OMB) which came into effect on April 3, 2018. In the exhaustive review of land use planning in Ontario there was extensive discussion of intervenor funding for LPAT land use planning appeals. The government rejected the approach of a legal aid clinic where funds would be paid to private sector planners and lawyers.

Ominous Meeting Begins Growth Plan Consultations

On November 8th, 2108 the newly elected Ontario government began a rather ominous process to revise land use planning process in Ontario. The setting was the “Growth Plan for the Greater Golden Stakeholders Forum” which was held at the Ontario Room of the MacDonald Block at 900 Bay Street in Toronto on November 8, 2018.

The forum which had around two hundred participants, had been previously discussed with the Association of Municipalities of Ontario, (AMO). It was far more noisy than most government consultations on land use planning with buzzers frequently telling table panels when their time was up. The celebratory tone used by the facilitator resembled that of an auctioneer. Planners from Waterloo Region appeared to attempt to push discussions in a more environmentally sensitive manner, as they alone stressed issues such as climate change and facilitating conservationist land securement.

Most of those in attendance in the forum were municipal planners and planners who work with the land development industry. I appeared to be the only “stakeholder”, to represent an environmental protection group. While a researcher for the Preservation of Agricultural Lands Society, (PALS), I seemed to have received the invitation as Chair of the Ontario Chapter of the Sierra Club of Canada.

The forum was the basis for launching a new consultation paper on the Growth Plan. While the Growth Plan according to statute must be reviewed every ten years, from the tenor of the discussions at the Forum, it is clear that the time involved in making changes will be less than that. It may take place after two additional consultation meetings in less than a year.

The disturbing aspects of the proposals in the documents are found in the area termed “Settlement Area Boundary Expansions.” These are not explicitly termed government proposals, but more ambiguously called “What We Heard From You” and “What Some of You Proposed.”
Under “What We Heard From You”, the paper wrote the following. “The new criteria and process for justifying a settlement boundary expansion are seen as overly focused on process rather than outcome (e.g. Specifying the number of studies required) and that there are concerns about how long it could take to make new land available for development.”

Under “What Some of You Proposed”, two quite specific proposals are put forward. The first is that, “The process for settlement boundary expansions should be streamlined.” The second is that, “There should be the opportunity for some settlement area boundary expansions to occur in between municipal comprehensive review cycles (subject to criteria).”

The proposal that settlement boundary expansions take place sooner than the five year comprehensive review cycle is the most troublesome of those unveiled at the Forum. A major reform in land use planning initiated 15 years ago through changes to the Planning Act and the Provincial Policy Statement (PPS), was that urban boundary expansions can only be made through a five year comprehensive review. Before this long overdue reform, there was land use planning chaos on the urban fringe. After quite detailed scrutiny through expert testimony and hearings by the Ontario Municipal Board, (OMB), urban boundary expansions that had been debated for decades could suddenly be reversed through a new application. Then the process would start all over again, the hope of being heard by a favourable OMB hearing officer.

A basic principle of the Growth Plan is that it is intended to have a land use planning system for the high growth pressure area of the Greater Golden Horseshoe which is more restrictive than the minimal standards of the Planning Act and its PPS. To change this reality would be to dissolve the Growth Plan. There would be no sense in having a Growth Plan that is more permissive in terms of urban boundary expansions than the Planning Act and the PPS. It would also be a signal for a corrosive change to the Planning Act and the PPS. Sprawl would spread like cancer across Ontario.

Compounding the proposed Provincial government changes at the Forum, were comments from developers and municipal planners. These were made both from the various tables and at the end in ten -second clips which were termed quick comments for the Minister of Municipal Affairs. A frightening array of suggestions were made by Forum participants. One was to abolish the Niagara Escarpment Commission. (NEC). Such “sun-setting” was suggested as well as a ten second Ministerial plea that the Escarpment Plan be administered by municipalities.

There was no opportunity in the Forum to illustrate the problems of municipal administration of Greenbelt rules in the Oak Ridges Moraine and the Protected Countryside of the Greenbelt, such as illegal dumping, which on the Escarpment Plan area is corrected through NEC clean up orders. Also the much greater success in extending forest cover in the Escarpment Plan area through the NEC plan administration than the rest of the Greenbelt was ignored.

Another call by developers’ agents was the repeal of Bill 137, which created the Local Planning Appeals Tribunal. (LPAT) There was a lament for the supposed good old days of the OMB, claiming the new system gave less weight to expert witnesses. Such claims ignored how the major reform in the LPAT process is the abolition of cross examination of experts. This will reduce the role of lawyers, not experts. The Forum strongly reflected the views of a powerful special interest group known as the Municipal Bar.

Another cry was raised that the “White Belt” lands adjacent to the Greenbelt be given a new status in a revised Growth Plan. It was urged that these lands be formally designated as an “Urban Reserve”. This would have quite negative impacts of encouraging severe storm water pollution from rapid urbanization of these lands, which are primarily, Class One and Two agricultural lands. Development here could seriously degrade the Don, Humber, Rouge, the Credit, and Carruthers Creek.

Among the most worrisome Forum calls, were the advocacy of wetland offsetting and a greater role for Conservation Authorities in land use planning. Efforts by the Niagara Peninsula Conservation Authority to do this have been recently condemned by the Ontario Auditor General. Her report noted that their studies to justify offsetting at Thundering Waters in Niagara Falls (now under appeal by the author of this article) lacked any field research.

What makes the call for considering wetland offsetting so outrageous is that it was made after the disastrous impact of the Houston USA Flood, where its death toll was intensified by the paving over of previously protected wetlands through offsets. Most of these offsets were outright fraud. Monies for offsets were largely paid to firms to design recreated wetlands, which were never actually constructed.
 Buzz bells do not generate good policy. If there are to be any revisions to the Growth Plan, it should be done only after studies are published which do not currently exist. These should look at matters such as the existing capacity of urban boundaries, and the potential harm that could be triggered by the actual urbanization of the White Belt lands.

**AROUND THE REGION - by Dr. John Bacher (PhD)**

**Battle over Ten Mile Creek Watershed in Niagara Falls:**

At its July 10, 2018 meeting, the Niagara Falls City Council requested that the Niagara Region include in its urban boundaries about 150 acres of land proposed for urban expansion in the watershed of the Ten Mile Creek. These lands have soils and microclimate for excellent grape and tender fruit cultivation, and the Ten Mile Creek here is connected to vernal pools that provide excellent breeding habitat for amphibians.

The request to the Niagara Region was made because of a good reform to land use planning which came into effect on July 1, 2017. This was achieved through an amendment to the Growth Plan, which impacts the greater Toronto region (including Niagara). This takes away the former right of Lower Tier municipalities to expand their urban - service boundaries through amendments to their local official plans. Such expansions can now only be undertaken through a change to the Upper Tier plan, which means the Niagara Region.

**Niagara Region Rejects Urban Boundary Expansions:**

The Niagara Region is in the process of developing an entirely new regional official plan. As part of this process it was discovered that the region already has more than a twenty year urban land supply which is the target made by the Growth Plan and the Provincial Policy Statement (PPS). This means that urban boundary reductions, rather than expansions should be forthcoming.

**Forests Threatened by Regional Plan Review:**

Debate over forests sparked by the Thundering Waters (Riverfront) Forest development in Niagara Falls is having a negative effect regarding policy changes impacting the Niagara Region Official Plan. It is being asserted by ecological consultants for developers that the combination of Ash Die-off and the spread of invasive varieties of Buckthorn (a bush), justifies the removal of provincially significant woodland status, which now imposes severe constraints on development. It is being discussed that such areas designated as Environmental Conservation Areas (ECA) lands in the Niagara Regional Official Plan, have their status weakened throughout Niagara.

**QUOTABLES**

“Brief by Preservation of Agricultural Lands Society: New Niagara Regional Official Plan, July 4, 2018, Dr. John Bacher, Researcher, Preservation of Agricultural Lands Society

1. Need for New Niagara Regional Plan Questionable:

At the outset, PALS wishes to stress that the need and desirability for a new Niagara Regional Official Plan is questionable. In a presentation on the new regional plan it was put forward that the plan was approved in 1973. However, in reality, significant parts of the plan, those dealing with consent policies and urban boundary expansions, were subject to major modifications in policy and only approved by Cabinet in 1981.

One possible legitimation for having a new official plan review is that the basic policies of the plan, notably the notion of the permanence of urban area boundaries adjacent to the fruit belt, (also called “unique”, “tender fruit” and “good grape” lands), are actually incorporated into the Greenbelt Plan. One of the reasons this was acted upon, was a concept put forward at an Ontario Municipal Board (OMB) hearing by Norman Pearson, a founder of the Bruce Trail and former Planning Director for Wentworth County, that the Planning Act does not permit such a prohibition of urban expansions. However, it makes sense that the Greenbelt’s policies remain, as they currently are, complimented by the Niagara Regional Official Plan. However, nowhere is the Greenbelt Plan, or the Niagara Escarpment Plan, which is a component of it, mentioned in any of the current discussion documents.
2. PALS Agrees with Notion that Agricultural & Environmental Policies are Closely Linked:

PALS agrees with the observation that agricultural and environmental policies are closely linked. This is most evident in the area of watershed planning, which the discussion document properly recommends be increased. A critical issue that watershed planning needs to address is the impact of potential urban boundary expansions. One of the most harmful impacts of such expansions would be to increase storm water pollution and reduce ground water infiltration in the areas where they take place. Such impacts ultimately encourage affected streams to lose biodiversity.

3. Prospect of De-Designation of Lands Within Urban Boundaries is Disturbing:

It is a good sign that the Niagara Region has already concluded that there are sufficient lands within Niagara’s region urban boundaries to meet the anticipated twenty year growth projection. However, the potential for such an expansion could result through what is described as “de-designation” of urban lands.

If de-designation of urban lands does take place, this should be done on protected wetlands at the edge of the existing approved urban boundary. One example of this is a large protected wetland, the Thompson Woodlot, where Frenchman’s Creek enters the Niagara River. As such areas are already excluded from providing for urban need, their removal from the urban area boundaries could not be used to justify urban boundary expansions elsewhere. In a similar fashion other lands designated as Environmental Protection Areas, (EPA) lands could be removed from the urban boundary if they are actually located on the fringe of the agricultural land area. Having such forested lands on the urban boundary edge would reduce conflict between agricultural and urban uses.

In very restrictive circumstances, lands which could be potentially de-designated (although only through rigorous process defined in the regional plan), are Environmental Conservation Area (ECA) lands that could be removed from the urban boundary. One example of this is a Niagara Falls City park, still unnamed, on Garner Road, north of Lundy’s Lane. Removing this park from the urban boundary would enhance its protection and also serve to strengthen the buffer qualities of this demarcation.

PALS is quite opposed to eliminating non- EPA and ECA lands from the urban boundary. Lands without significant environmental constraints should remain within the urban boundary, as their removal will encourage urban boundary expansions onto higher quality agricultural lands. They will also create new conflicts with agriculture that do not currently exist. Such urban boundary expansions will also degrade watersheds, which are now predominately rural, with increased storm water pollution.

4. Stakeholder Consultations Should be Based on Formally Constituted Committees that are Transparent:

Stakeholder consultations are a reasonable part of the land use planning process. However, those held to date have been too secretive in nature. Some invitation-only approaches have been made to committees which are not formally constituted and do not have minutes available through the Region’s website.

Regarding agriculture, future consultations should be taken with the existing Agricultural Policy and Action Committee. It is quite representative of the agricultural sector and has minutes published on the region’s website. (Editor’s note: Gracia Janes has been PALS representative on this committee since 2003.)

Regarding the environment, it appears that the former Environmental Advisory Committee (EAC) should be reconstituted. One of the reasons it was dissolved was the committee had ceased to meet. However, had it not been disbanded, it could have been reactivated for the important purpose of helping develop a new Niagara Regional Official Plan.

5. Comments on Agricultural Policy:

Regarding agricultural mapping, PALS is not in agreement with many of the comments about viability. These sort of arguments have been made in the past and did not survive the rigour of scrutiny by the OMB. Regarding Agricultural Impact Assessments these have little relevance for Niagara because of the lack of need for any urban boundary expansions.

If such agricultural assessments were to be conducted however, they would provide additional views as to why agricultural lands inside urban boundaries are inferior to those outside. The type of data used in such assessments, i.e. investments, presence of farm buildings, is always less inside urban boundaries than outside. This is another reason why urban boundary expansions should be avoided.

PALS wishes to stress that there is one area where there needs to be a modification in the agricultural mapping. Lands between the Niagara Escarpment and Highway 20 which are mapped as Good General Agricultural in
Thorold, Niagara Falls and Pelham, should be designated as Good Grape. Apart from long-standing technical evidence for suitability of these lands for high quality grape production, a cottage winery has been established in Niagara Falls north of Highway 20.

6. Comments on Environmental Policies:

Regarding environmental policies, the comments on how this is an area of “evolving science” are certainly accurate. In this regard there should be some recognition of the need to address directly through the plan an approach to landscape ecology concerning the needs of species that are Endangered in the Niagara Region.

As part of the review, a list should be published which shows all the species at risk that live an important part of their life cycle in Niagara. There should also be a listing of all the species that are considered to be regionally rare here. It would be preliminary to considering how these species could be helped by a landscape-ecology approach.

From experience, there should be an automatic process of peer review for Environmental Impact Studies. Currently such reviews are made at the discretion of the Regional Planning Director.

There is a specific point in PDS 18 2018 which is especially troubling. It discusses reviewing woodland mapping in light of “die-off from emerald ash borer.” This problem should not be used to enter into an exercise designed to possibly reduce the designated ECA areas, which are intended to reflect the Province’s criteria for Provincially Significant forests. The mapping for these areas was completed in 2005. They have now had 13 years to grow and mature. Mapping should be focused to see if these ECA areas are now larger than they were designated when the region’s Environmental Policy was approved in 2006.

Regarding Ash Die-off...the reasons why this problem should not be used to remap existing ECA areas were well put in a December 11, 2017 letter by Tara McKenna, District Planner for the Guelph area of the Ministry of Natural Resources and Forestry. Here she notes that, such die-offs may result in change “in the dominant canopy species but not necessarily the functional value of the woodland. The woodlands are contiguous with existing forested wetland and upland forested areas which contribute to the overall species and structural diversity, size of the larger woodland areas, and the functional linkages between different features”.

7. Caution Needs to be Taken in Developing New Official Plan:

In summary PALS stresses that caution is needed in developing a new official plan. There is no rush to complete this task. Only with considerable care will be the plan actually be improved.”

PALS 2018 BLOSSOM WALKABOUT

Congratulations and thanks are due to PALS’ intrepid May 5th Blossom Walkers Jean Grandoni, John Bacher, Martin Munoz, and Gracia and Bob Janes, who raised close to $1700 towards our fruitland preservation work. Thanks also to Natalia Shields who greeted and fed them royally at her home on their return from the 2 3/4 hour walk over hill and dale through Fonthill’s orchard-lined countryside.

OPPORTUNITIES TO HELP PALS CARRY ON OUR IMPORTANT WORK!

• Take out a 2018/2019 Membership @ $ 5 Seniors and Students; $10 Individuals; $20 Families ; $40 Groups
• Order a PALS ‘Taste Niagara’ Cookbook $15 (includes mailing cost)
• We also have the book Mel Swart Eco-Justice Champion (while they last) @ $15 (includes mailing cost)
• Make a charitable donation (tax receipts issued promptly)

Just fill out the enclosed form & mail to PALS Box 1413, Niagara-on-the-Lake ON L0S 1J0